

EXHIBIT D - CONDITIONS OF APPROVAL
Minor Use Permit DRC2014-00124 (Kendall Road LLC)

Approved Development

1. This approval authorizes
 - a. A Minor Use Permit for:
 - i. 2,000 square feet of office space
 - ii. 12,830 square feet of warehouse
 - b. All conditions of approval from Conditional Use Permit S000007U (attached) shall remain in effect with this approval. If there is any conflict between the conditions of approval from the current proposal and the original proposal, the current conditions shall apply.
 - c. Maximum height is 35 feet from average natural grade. This maximum height shall comply with the FAA determination concerning requirements of FAR 77, "Objects Affecting Navigable Airspace".

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan. The site plan shall also show a minimum of six bicycle parking spaces centrally located near entrances.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for a sign permit**, any proposed free-standing or monument signs shall be a maximum height of four feet. The maximum square footage for signs for the site is 100 square feet. If the sign is illuminated, it shall be internally illuminated.

Access

5. **At the time of application for construction permits**, and in accordance with Section 22.54.030 (Curb Gutters and Sidewalks) the applicant shall submit plans to the Department of Public reconstruct, if necessary, all deteriorated or non-compliant parent parcel frontage improvements. Additionally, the new access driveways shall be constructed in accordance with the County Standard B-3 urban driveway and the replacement of the existing driveway approach with curb, gutter and sidewalk shall meet County Standards.
6. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Drainage

7. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
8. **At the time of application for construction permits**, the applicant shall show the 100 year flood hazard boundary on the project plans.
9. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
10. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.

Storm Water Control Plan

11. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
12. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Fire Safety

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire.

Services

14. **At the time of application for construction permits**, the applicant shall provide a letter from the Fiero Lane Water Company stating they are willing and able to service the property.
15. **At the time of application for construction permits**, construction plans shall show all utilities to be installed underground.

Conditions to be completed prior to issuance of a construction permit

Fees

16. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
17. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

18. Prior to issuance of construction permits, the applicant shall pay the housing impact fee as required by Land Use Ordinance (LUO) Section 22.12.080.F.1, or may defer fee payment pursuant to LUO Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to LUO Section 22.12.080.F.3.

Conditions to be completed during project construction

Building Height

19. The maximum height of the project is 35 feet from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

20. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. If installed or bonded for, the landscaping shall thereafter be maintained in a viable condition in perpetuity. If landscaping is for screening, such landscape must be maintained to provide the required or better screening in perpetuity.
21. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the road improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
22. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
23. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
24. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed.

Attachment 4

Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

26. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
27. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
28. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.
29. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.